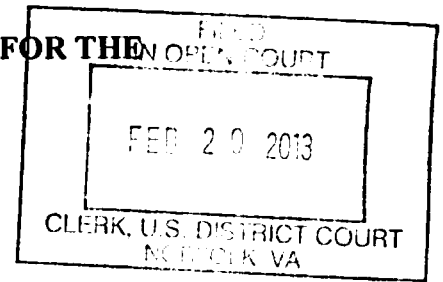


IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Norfolk Division



UNITED STATES OF AMERICA)

v.)

JOHN PATRICK MCGRANN,)

Defendant.)

Criminal No. 2:12cr173

STATEMENT OF FACTS

This statement of facts is submitted in support of the guilty plea to Count One of the Indictment. Count One charges conspiracy to distribute and possess with intent to distribute fifty (50) grams or more of a mixture and substance containing a detectable amount of methamphetamine, and quantities of cocaine and heroin; in violation of Title 21, United States Code, Sections 846, 841(a)(1), 841(b)(1)(B) and (b)(1)(C). This statement of facts contains information necessary to support the guilty plea. It is not intended to include each and every fact in the case. If the matter had gone to trial, the United States would have proven Count One of the Indictment by proof beyond a reasonable doubt of the following facts.

In May 2012, Detective Tammy Regan of the Virginia Beach Police Department (VBPD) received information that C.T. was distributing the Schedule II narcotic controlled substance methamphetamine in the city of Virginia Beach. On May 23, 2012, a VBPD confidential informant made a controlled purchase of a quantity of methamphetamine from C.T. in the city of Virginia Beach. On May 30, 2012, a VBPD confidential informant made a controlled purchase of a quantity of methamphetamine from C.T. in the city of Virginia Beach. On September 14, 2012, the police executed a search warrant at C.T.'s residence in the city of Virginia Beach and seized, among

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numerous items of evidence, approximately 14 grams of methamphetamine. C.T. agreed to cooperate with the police. C.T. admitted that he was a user of methamphetamine and that he distributed methamphetamine to others. C.T. identified his methamphetamine supplier as John Patrick MCGRANN (MCGRANN) the defendant. C.T. informed the police that he had been receiving one ounce (28.35 grams) of methamphetamine from MCGRANN approximately one time per week over the previous four to five months. According to C.T., MCGRANN had sold him one ounce of methamphetamine on September 10 or 11, 2012.

On September 15, 2012, at the direction of VBPD, C.T. sent MCGRANN a text message requesting that MCGRANN deliver a quantity of methamphetamine to C.T.'s residence. On September 15, 2012, at approximately 5:00 p.m., police surveillance observed MCGRANN departing his residence in the city of Virginia Beach while operating a 2003 GMC Envoy with Virginia tags XLY-8581. The police arrested MCGRANN upon his arrival outside C.T.'s residence. The police recovered 5.8 grams of cocaine from MCGRANN's person during a search incident to arrest.

At approximately 5:42 p.m. on September 15, 2012, VBPD detective M.A. Cox read MCGRANN his *Miranda* rights from a pre-printed card. MCGRANN indicated that he understood his rights. MCGRANN admitted that he was in possession of between 4 to 6 grams of cocaine and that he used cocaine. MCGRANN indicated that he went to C.T.'s residence because C.T. owed MCGRANN \$3,000. MCGRANN stated that he buys up to seven grams of cocaine at a time and that he uses cocaine and shares it with friends. MCGRANN consented to a search of his bedroom at his parents' residence in Virginia Beach. The defendant's parents also consented to the search. The police seized a 9 millimeter semi-automatic firearm, two firearm magazines, 15 rounds of ammunition, paperwork and five cellphones from MCGRANN's bedroom. MCGRANN indicated that he kept the gun for his protection. MCGRANN informed the police that he stored a backpack

containing MCGRANN's drug "stash" with a friend and that the backpack presently contained 2.5 ounces of methamphetamine and 3.5 ounces of heroin. With MCGRANN's assistance, the police located his backpack at a residence in Virginia Beach. MCGRANN identified the back pack as his to the police. The police located 52 grams of a mixture and substance containing methamphetamine and 95.6 grams of heroin in the backpack. The police removed the drugs from the backpack in MCGRANN's presence and MCGRANN admitted to ownership of the methamphetamine and heroin. Later, outside of MCGRANN's presence, the police located 27.8 grams of cocaine in the backpack.

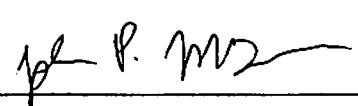
MCGRANN admitted that he had been selling methamphetamine to C.T. since May 2012. According to MCGRANN, he was distributing one-half ounce of methamphetamine every week to C.T. MCGRANN admitted that he was distributing the same quantities of methamphetamine to J.F. MCGRANN admitted that he sold methamphetamine for \$200 per gram and \$3640 per ounce. MCGRANN indicated that he had been selling methamphetamine for the previous four to five months. MCGRANN indicated that his suppliers are Mexicans from California who distributed methamphetamine to MCGRANN in the Eastern District of Virginia. MCGRANN admitted that he had received as much as four ounces of methamphetamine at a time from his suppliers and that he paid them \$2500 per ounce. MCGRANN indicated that he was receiving four ounces of methamphetamine every two weeks. MCGRANN admitted that he had obtained the heroin from the same people. MCGRANN indicated that he owes his suppliers \$12,000 for the heroin which MCGRANN had been unable to sell. MCGRANN stated that recently he was paying an associate \$150 per week to keep MCGRANN's methamphetamine.

NEIL H. MACBRIDE
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By: 


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Defendant's Signature: After consulting with my attorney and pursuant to the plea agreement entered into this day between myself, the United States and my attorney, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



Defendant

Defense Counsel's Signature: I am John Patrick McGrann's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Counsel for the Defendant